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October 22, 2004

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: WT Docket No. 03-103**  
**Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

This is to inform you that AirCell, Inc. ("AirCell") representatives Bill Gordon, Vice President for Government Affairs and I, counsel to AirCell, participated in an *ex parte* meeting on October 22, 2004 with Commissioner Michael Copps and Paul Margie, Legal Advisor to Commissioner Copps, to discuss issues in the above referenced proceeding.

During the meeting, AirCell reviewed the attached presentation, which outlined a new, simplified technical approach – which has the support of Connexion by Boeing – for sharing the Air-to-Ground ("ATG") band between two broadband providers. In order to provide the Commission with adequate time to review this new proposal, AirCell requested a delay of one month in the proceeding, consistent with similar requests by other parties in the proceeding. In addition, I forwarded this same request for delay, via the attached e-mail, to staff in the Wireless Telecommunications Bureau, the Office of Engineering and Technology and the offices of the Chairman and Commissioners.

Also at the meeting with Commissioner Copps, AirCell provided a copy of the attached letter from Jack Blumenstein, AirCell's Chairman and CEO, which urges the Commission not to auction the ATG spectrum as a single, 4 MHz license. AirCell sent identical letters to Chairman Powell and Commissioners Abernathy, Martin and Adelstein, which will be filed separately in this proceeding.

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Pursuant to Section 1.1206(b)(1) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. In addition, I am sending one copy of this notice to each of the FCC representatives listed below. Please contact me directly with any additional questions.

Respectfully submitted,

*/s/ Michele C. Farquhar*

Michele C. Farquhar  
Counsel to AirCell, Inc.

Enclosure

cc: Commissioner Michael J. Copps  
Paul Margie  
Richard Arsenault  
Kathy Harris  
Julius Knapp  
Jim Schlichting  
Peter Tenhula  
Roger Noel  
David Furth  
Sheryl Wilkerson  
Sam Feder  
Jennifer Manner  
Bryan Tramont  
Barry Ohlson

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**From:** Farquhar, Michele C.

**Sent:** Friday, October 22, 2004 3:56 PM

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'bryan.tramont@fcc.gov'; 'barry.ohlson@fcc.gov'; Martin, David L.

**Subject:** AirCell requests delay of ATG proceeding

FYI -- AirCell is eager to ensure that the Bureau, OET, and the Commissioners' offices have adequate time to analyze and understand its new joint proposal with Boeing in the Air-to-Ground proceeding, which was submitted earlier this week. Given the shortness of time between the October 14 and November 9 Commission open meetings, as well as other intervening decisions and events, we feel that it is appropriate to respectfully request that the FCC delay consideration of the ATG proceeding by one month. We understand that other parties have already made similar requests. Please contact me if you have any questions.